



Federal Communications Commission  
Washington, D.C. 20554

APR 14 1998

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APR 16 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable John B. Breaux  
United States Senate  
516 Hart Senate Office Building  
Washington, D.C. 20510

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APR 16 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Senator Breaux:

Thank you for your inquiry on behalf of your constituent Charles H. Kirkland, Shreveport, Louisiana, concerning the placement and construction of facilities for the provision of personal wireless services and radio and television broadcast services in his community. Mr. Kirkland, who is Executive Director of the Metropolitan Planning Commission of Caddo Parish, states that the Planning Commission is opposed to the preemption of State and local regulations with respect to the location of communications towers, and he refers specifically to MM Docket No. 97-182. In this proceeding, the Commission has sought comment on a Petition for Further Notice of Proposed Rule Making filed by the National Association of Broadcasters and the Association for Maximum Service Television. The petitioners ask the Commission to adopt a rule limiting the exercise of State and local zoning authority with respect to broadcast transmission facilities in order to facilitate the rapid build-out of digital television facilities, as required by the Commission's rules to fulfill Congress' mandate.

The Commission is considering related issues in two other proceedings. In WT Docket No. 97-192, the Commission has sought comment on proposed procedures for reviewing requests for relief from State and local regulations that are alleged to impermissibly regulate the siting of personal wireless service facilities based on the environmental effects of radio frequency emissions, and related matters. In DA 96-2140 and FCC 97-264, the Commission twice sought comment on a Petition for Declaratory Ruling filed by the Cellular Telecommunications Industry Association seeking relief from certain State and local moratoria that have been imposed on the siting of commercial mobile radio service facilities.

Because all of these proceedings are still pending, we cannot comment on the merits of the issues at this time. However, I can assure you that the Commission is committed to providing a full opportunity for all interested parties to participate. The Commission has formally sought public comment in all three proceedings and, as a result, has received numerous comments from State and local governments, service providers, and the public at large. Mr. Kirkland's letter, as well as this response, will be placed in the record of all three proceedings and will be given full consideration.

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At the same time, the Commission is actively pursuing initiatives that we hope will render any Commission action limiting State and local authority unnecessary. Commission staff, working with the Commission's Local and State Government Advisory Committee, is bringing together representatives of industry and municipal governments to discuss mutually acceptable solutions to the challenges posed by facilities siting. Chairman Kennard has stated that preemption of local zoning authority should be a remedy of last resort, and that the Commission should not consider preemption until the possibilities for constructive dialogue have been exhausted.

Further information regarding the Commission's policies toward personal wireless service facilities siting, including many of the comments in the two proceedings involving personal wireless service facilities, is available on the Commission's internet site at <http://www.fcc.gov/wtb/siting>.

Thank you for your inquiry.

Sincerely,



*for* Steven E. Weingarten  
Acting Chief, Commercial Wireless Division  
Wireless Telecommunications Bureau

cc: CWD

Dockets (2)

John Conwell

j:\congress\9707956

FCC  
PAGE 2

BF Date: 98/01/08  
Due Date: 98/03/20

Reply:  
Closed:  
Modified By: WTB

Remarks:

Subject : inq: Re Land Use Restrictions on Siting, Placement & Construction of  
Brdcst Transmission Facilities

Name: Breaux, John B.  
Org: United States Senate  
Address1: 516 Hart Senate Office  
Address2:  
City: Washington, State: DC Zip: 20510

[illegible]

For more information, 1

JOHN BREAUX  
LOUISIANA

MINORITY  
CHIEF DEPUTY WHIP

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COMMERCE, SCIENCE, AND  
TRANSPORTATION

FINANCE

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**United States Senate**  
WASHINGTON, DC 20510-1803

December 18, 1997

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WTB  
97-182  
7956

Mr. Dan Phythyon  
Director, Office of Legislative and  
Intergovernmental Affairs  
Federal Communications Commission  
Room 808  
1919 M Street, N.W.  
Washington, DC 20554

Dear Mr. Phythyon:

I have been contacted by Mr. Charles E. Kirkland regarding concerns about proposed preemption of local zoning for cellular, telephone, and television towers.

Please give the views and concerns of Mr. Kirkland every appropriate consideration within federal guidelines. Any information you could provide responding to his concerns would be greatly appreciated. Your reply may be forwarded to the attention of Jeff Lewis.

Thank you for your attention and assistance.

Sincerely,



JOHN BREAUX  
United States Senator

JB/jhl  
Enclosure



**METROPOLITAN  
PLANNING COMMISSION**  
**Shreveport / Caddo Parish**

97 DEC -3 PM 5:00

1234 Texas  
P.O. Box 31109  
Shreveport, LA 71130  
Tel (318) 673-6480  
Fax (318) 673-6475

November 25, 1997

Senator John Breaux  
516 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Breaux:

The Federal Communications Commission (FCC) currently has under consideration a proposal to pre-empt local and state regulations in regard to tall communication towers. The FCC proposal (Docket No. 97-182) is titled "Pre-emption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Station Transmission Facilities."

The proposal is contrary to sound planning and development principles and the Shreveport Metropolitan Planning Commission of Caddo Parish has advised the FCC of their strong opposition to its passage. The proposed rule would allow tall towers to be built to existing residential subdivisions, churches, schools, etc., without even considering or addressing any legitimate concerns of the homeowners, or of the community as a whole.

This letter is to solicit your active participation in opposing the proposed FCC rule on behalf of Shreveport and the many other local planning programs in Louisiana. The FCC pre-emption of local and state control over land use issues such as the location of communication towers and other broadcast transmission facilities will be detrimental to Shreveport's, as well as many other local planning programs', effectiveness in dealing with urban growth and the orderly development of the community.

Thank you for your consideration.

Respectfully Submitted

Charles H. Kirkland  
Executive Director

hd/dt

# Detail of DOCUMENT: 7962

DOCUMENT: 7962 CONTROL NO: 97-07956 BUREAU: WTB  
 NAME: Breaux, John B. INPUT B.F. DUE  
 ADDRESS 1: 516 Hart Senate Office Building 12-31-97 01-08-98 03-20-98  
 SUBJECT: ing: Re Land Use Restrictions on Siting, Placement &  
 Construction of Brdcst Transmission Facilities

CHG TO: WTB - REPLY IN FINAL 03-24-98 CLOSED: 03-24-98  
 REM:

RTNG	CHG TO	COMMENT	RECEIVED	B.F.	RETURNED	DAYS
1)	WTB	- REPLY IN FINAL	12-31-97	01-08-98	01-12-98	7
2)	BABROWN	-*REPLY IN FINAL Refer to MMB	01-12-98	01-08-98	01-27-98	10
3)	WTB	- REPLY IN FINAL	01-27-98	01-08-98	02-11-98	11
4)	OLIA	- REPLY IN FINAL	02-11-98	01-08-98	02-20-98	6
5)	WTB	- REPLY IN FINAL	02-20-98	01-08-98	02-20-98	0
6)	OLIA	- REPLY IN FINAL	02-20-98	01-08-98	02-23-98	1
7)	WTB	- REPLY IN FINAL	02-23-98	01-08-98	02-24-98	1
8)	ACWILSON	- REPLY IN FINAL	02-24-98	01-08-98	02-24-98	0
9)	OLIA	- REPLY IN FINAL	02-24-98	01-08-98	02-24-98	0
10)	MMB	- REPLY IN FINAL	02-24-98	01-08-98	02-25-98	1
11)	TEPPS	- REPLY IN FINAL	02-25-98	01-08-98	03-06-98	7
12)	MMB	- REPLY IN FINAL	03-06-98	01-08-98	03-06-98	0
13)	OLIA	- REPLY IN FINAL	03-06-98	01-08-98	03-06-98	0
14)	WTB	- REPLY IN FINAL	03-06-98	01-08-98	03-10-98	2
15)	BABROWN	- REPLY IN FINAL	03-10-98	01-08-98	03-24-98	10

-COMM-- USER: WTB --- DATE: 02-24-98 --- SECURITY: 1 -----  
 Lou see details this should have been forwarded to MMB.

-COMM-- USER: TEPPS --- DATE: 03-06-98 --- SECURITY: 1 -----  
 Wireless, this has to do with cellular stated in the first  
 paragraph, which should be handled by you, Per B. Romano

-COMM-- USER: MMB --- DATE: 03-06-98 --- SECURITY: 1 -----  
 sent back to OLIA to be reassigned to Wireless per Bruce Romano

-COMM-- USER: WTB --- DATE: 03-25-98 --- SECURITY: 1 -----  
 3/25/98..This Congressional was closed 3/24/98